

Wetlands and Watershed Protection Act



What are Wetlands?

- Areas inundated or saturated with water which in normal conditions support a prevalence of vegetation that lives in saturated soil conditions
- Recognized Types Include:
 - Marshes
 - Wet Meadows
 - Shrub Wetlands
 - Swamps
 - Peatlands (Bogs and Fens)

Purpose and Importance of Protecting Wetlands and Surface Waters

- Preserve natural drainage and stabilize river banks to reduce flooding
- Protect the quality and quantity of drinking water, surface waters and wetlands, groundwater recharge and discharge
- Support a diverse natural habitat of plants, wildlife and fish/aquatic wildlife
 - 90% of NH endangered species depend on wetlands for survival
- Enhance the scenic beauty and provide opportunities for recreation
- Minimize economic damage to public and private property
- Support the goals of the Master Plan and Hazard Mitigation Plan
- See the GZA Environmental Report on the Town's Website to review all wetland functions and values
- See also The Value of Wetlands and Watershed Protection on the Town's Website

What does the Ordinance do?

- Provides an overlay District with a vegetative buffer of 50 or 100 feet around certain wetlands, ponds, lakes, streams and rivers
- Defines permitted uses and prohibited uses in the District
- Requires a Conditional Use Permit for some uses, issued by the Planning Board

What is the Overlay District?

- The Overlay District is composed of selected wetlands and surface waters and their applicable buffers.
- The District is comprised of
 - Level 1 Wetlands: 100ft Buffer
 - GZA Mapped Wetlands
 - Selected Surface Waters
 - Wetlands of 2 acres or more with minimum number of functions
 - Vernal Pools
 - Level 2 Wetlands: 50ft Buffer
 - Wetlands of $\frac{1}{4}$ acre or more not in Level 1

Wetlands Overlay Areas Town of Webster

Legend

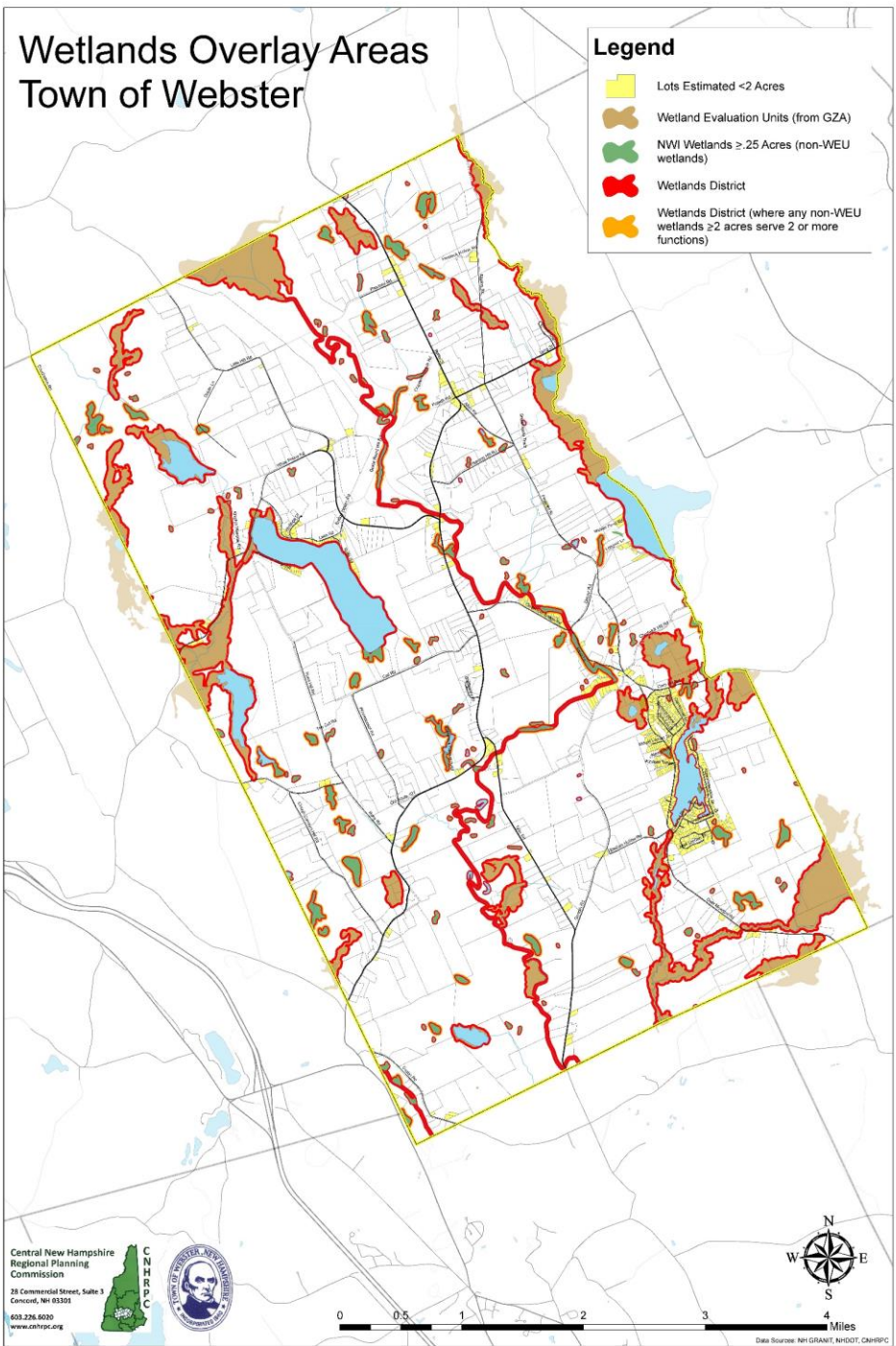
Lots Estimated <2 Acres

Wetland Evaluation Units (from GZA)

NWI Wetlands ≥ .25 Acres (non-WEU wetlands)

Wetlands District

Wetlands District (where any non-WEU wetlands ≥2 acres serve 2 or more functions)



The Importance of Natural Buffers

- Undeveloped, undisturbed, naturally vegetated buffers are essential to beneficial functions of wetlands, mainly by:
 - Removing/trapping/transforming nutrients (phosphorus, nitrogen, nitrate, etc.) pollutants, and toxins
 - Providing habitat and clean water for wildlife (aquatic and land)
- The Scientific consensus is that 100ft buffers are recommended as a reasonable minimum buffer (see Chase et. al , in posted bibliography)
 - Some functions, hydrology, soils, upland slopes require up to a 300ft or more

What are the Effects of the Ordinance?

- Applies primarily to new uses and development on existing lots and subdivisions that are approved by the Planning Board
- Existing uses may be continued – “Grandfathering” law applies
- Some new uses prohibited and some new uses or expansion of an existing use may require a CUP
- No additional requirements for the timber harvesting or existing agricultural uses beyond those required by the State

Impact Analysis by CNHRPC

- Data from GIS maps, GZA report, National Wetlands Inventory and land use map to determine the amount of land would be affected
- Assumed no impact on land in conservation, institutional, utility and right-of-way land
- For commercial, open space and residential land, 3.6-4.2% of the total area of town would be in the District, depending upon the wetland function
- If floodplain is excluded, then 2.8-3.3% would be in the District
- Majority of lots less than two acres are on the lakes; which are already developed and would be “grandfathered”

How was this Ordinance Developed?

- Starting in 2019, WCC reviewed ordinances from many towns
- WCC worked with GZA GeoEnvironmental scientists to identify and map the most important wetlands
- PB and WCC conducted extensive scientific literature review
- PB and WCC worked with Central NH Regional Planning Commission to develop the maps, an impact study, and other analyses
- NH Assoc. of Con. Comms., the NH Timber Owners Assoc. and Amy Manzelli Esq., an environmental lawyer, reviewed the ordinance
- Detailed information on all the above is on the Town Website

Permitted Uses

- Wildlife habitat
- Conservation areas and nature trails
- Education, such as science walks, wildlife studies, etc.
- Hunting and fishing
- Tilling soil and growing crops/expansion of existing agricultural uses with BMP's
- Tree removal that pose a safety hazard
- Invasive species removal
- Timber harvesting and forestry

Permitted Uses with a CUP

- Roadways and other access ways
- Drainage ways
- Pipelines, power lines and other transmission lines
- Seasonal docks, boat launches and piers
- Deck expansions on the primary structure; fencing
- Domestic water wells
- Replacement septic tanks and leach fields
- Certain new or expanded agricultural operations
- Wildlife refuge and conservation area
- Wetland mitigation, remediation, restoration and protection activities

Prohibited Uses and Activities

- Septic system, lawn, yard, parking lot, landscaping, structure cannot be constructed without a Conditional Use Permit (CUP)
- Storage of petroleum products or hazardous chemicals or materials
- Hazardous waste disposal facility
- Solid waste landfill, transfer station or recycling facility
- Junkyard
- Snow dump
- Wastewater or septage lagoon
- Outdoor storage of road salt
- Sludge
- Underground storage tank
- Agricultural uses, other than those expressly permitted